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EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,456

Applicant(s)

KAKU, TOSHIHIKO

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-45 and 47-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-45 and 47-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to RCE

1. Claims 1-2,4-45,47-92 are pending in this application.
2. Claims 3,46 have been cancelled [4/3/2006].
3. Claims 1,43,78 have been amended [4/3/2006].
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/3/2006 has been entered and a non-final office action as follows:
 5. Examiner acknowledges applicant's REMARKS filed on 10/5/2005.
 6. Claim 14 has been amended [6/13/2005].
 7. Examiner acknowledges applicant's after final "response" filed on 6/13/2005.
 8. Examiner acknowledges applicant's amendment filed on 2/16/2005.
 9. Claims 84,86 have been amended [2/16/2005]
 10. claims 87-92 have been added [2/16/2005]
 11. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

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has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2004 has been entered and a non-final office action was mailed on 11/14/2004.

12. Claims 1,43,78 have been amended.
13. Examiner acknowledges applicant's amendment filed on 3/5/2004, paper no. 9
14. Claims 1,5,11,17,27,43,65,78 have been amended, paper no. # 9
15. Claims 79-86 have been added, paper no. # 9.

Drawings

16. The drawings filed on 8/4/2002 are acceptable for examination.

Priority

17. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application [SI.No.# **2000-201548**] filed in Japan on **7/3/2000**.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. ***Claims 1-2,4-9,11-17,20-28,36-45,47-57,60-69,71-75,77-92, rejected under 35 U.S.C. 102(b) as being anticipated by Moezzi et al. [Moezzi], US Patent No. 5850352, published on Dec 15,1998.***

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20. As to Claims 1,43,78, Moezzi teaches a system which including 'an image distributing system for distributing an image having a target character' [see Abstract, fig 1a, fig 17col 9, line 10-14], image distributing system corresponds to Moezzi fig 1a, fig 17

'a character information obtaining unit for capturing a first image of the target character and obtaining character information of the target character' [fig 1a-1c, fig 6, col 36, line 1-3,], Moezzi teaches capturing images of the target for example as detailed in fig 1a-1c;

'a camera system for capturing plurality of images including a second image having at least the target character' [fig 1a-1c, fig 6a-6d, fig 17], camera system for capturing images corresponds to multiple cameras connected to the central graphics and visualization station, further it is noted that Moezzi specifically suggests for example images and photographs are stored in local computer system and/or in a storage server as detailed in fig 17 , furthermore it is noted that Moezzi suggests video system includes a knowledge database containing information about the scene or images [col 10, line 64-67]

'an image database communicating with said camera system for receiving and storing said plurality of images as image data' [col 10, line 64-67, col 11, line 9-14], Moezzi specifically suggests database containing data regarding "real-world scene", shapes, objects as detailed in col 11, line 9-11]

'an image collecting unit for selecting image data stored in said image database by identifying the target character according to character information thus obtained for

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distributing the second image including the target character [col 11, line 14-25, line 26-27, line 37-42]], Moezzi suggests for example viewr/user interface that allows to select specific scene or specify a criteria or multiple criteria to view images or scene as detailed in col 11, line 37-42, it is further noted that Moezzi specifically teaches multiple camers at a sporting event that allows to identify target characters and distributing to the system [col 11, line 26-27] ;

'an image selecting terminal displaying a list of images collected by said image collecting unit to a user so that said list of images are capable of being selected by the user' [col 18, line 56-61], Moezzi specifically teaches interactive viewing of a scene, that allows users to select specific scene of both real and artificial virtual, nature as detailed col 18, line 56-61;

'an output processing unit outputting the images selected by the user from said list of images as displayed' [col 15, line 31-36, fig 1a-1c, 6a-6d].

21. As to Claim 2, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Moezzi disclosed 'transmitting image data from said camera system to said image database' [fig 17, col 38, line 51-55].

22. As to Claim 4, the limitation of this claim has been noted in the above rejection of claim 3. In addition, Moezzi disclosed 'capturing an image of the user who is to select images' [col 9, line 50-52].

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23. As to Claim 5, 48-49 the limitation of this claim has been noted in the above rejection of Claim 4. In addition, Moezzi disclosed 'verifying the user who is to select images based on the character information' [col 10, line 18-23].

24. As to Claim 6, 47, the limitation of this claim has been noted in the above rejection of claim3. In addition, Moezzi disclosed 'image selecting terminal distributes the image data of said images selected by the user' [col 10, line 57-63].

25. As to Claim 7-8, 44, 50, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi disclosed 'outputting unit outputting the image data of said images collected by said image collecting unit' [see fig 1a-1c, fig 6a-6d,.

26. As to Claim 9, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Moezzi disclosed 'image selecting terminal transmits to said outputting unit image selection information representing which images are selected by the user' [col 18, line 56-61]

27. As to Claim 11, 53-54, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi disclosed 'wherein the character information includes data about at least one of a facial characteristic, body characteristic, and characteristic of wearing apparel of the target character' [see fig 10, fig 13a-13c, 14, 14a], further Moezzi also disclosed 'storing data bout at least one of a facial

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characteristic, body characteristic, and characteristic of wearing apparel of the target character as the character information' [col 40, line 5-9].

28. As to Claim 12-13, 20-21,24, 45,51,57, 61,67, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi disclosed 'camera system includes a plurality of cameras located within a predetermined area' [see fig 1a-1c,, col 20, line 44-49], plurality of cameras corresponds to Moezzi's camera 1 through camera 6 as detailed in fig 1a.

29. As to claim 14, the limitation of this claim has been noted in the above rejection of claim 1. In addition, Moezzi disclosed 'wherein said character information obtaining unit imports an image of the target character to a character information database as the character information of the target character' [col 23, line 13-18].

30. As to Claim 15, 22,52,62, Moezzi teaches a system which including 'character information obtaining unit has a plurality of cameras for capturing character information' [see fig 1a-id, col 11, line 26-29], 'said character information obtaining unit imports a plurality of images of the target character captured from plurality of cameras' [col 12, line 49-53], Moezzi also teaches 'images captured from the plurality of angles, said images having the target character stored in said image database' col 16, line 26-33, col 17, line 50-53], Moezzi specifically suggests video cameras are capable of shooting

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various angles to capture the dynamic images or view of the scenes as detailed in col 16, line 26-33

31. As to Claim 16,55, the limitation of this claim has been noted in the above rejection of Claim 1. In addition, Moezzi disclosed 'updates previously obtained character information with newly obtained character information for the target character' [col 19, line 59-61].

32. As to Claims 17,26,56,66, the limitation of this claim has been noted in the above rejection, in addition, Moezzi disclosed 'character information includes a registration of data of refusal to be imaged by a person, and said image collecting unit does not collect images when at least one character in an image is a person who refuses to be imaged' [col 16, line 45-53].

33. As to claim 23,63, Moezzi disclosed 'camera system includes a camera group including a plurality of cameras [fig 1a-1d], plurality of cameras corresponds to camera 1 through camera 6, each camera of said plurality of cameras captures an image of a character such that the character is imaged at a plurality of different time periods by said plurality of cameras' [[col 19, line 3-10];

'wherein when the character in an image captured by one of said plurality of cameras in said camera group is identified as the target character [fig 1a-id], said character identifying unit identifies the same character in other images captured by

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other of said plurality of cameras in said camera group as the target character' [col 19, line 11-15].

34. As to Claim 25, 65, Moezzi disclosed 'image collecting unit saves only images data with the target character to said image database' [col 10, line 64-67].].

35. As to claim 27,36,68, Moezzi disclosed 'timing detecting unit for detecting a timing to capture an image with the target character' [col 25, line 21-29];

'wherein said camera a system captures said plurality of images with the target character when said timing detecting unit detects said timing for capturing said plurality of images' [col 27, line 35-40].

36. As to claim 28,69,71, Moezzi disclosed 'timing detecting unit detects, based on position information about a plurality of characters, said timing for capturing an image when said plurality of characters are at a predetermined position' [col 27, line 35-48].

37. As to claim 37, the limitation of this claim has been noted in the above rejection, in addition, Moezzi disclosed 'timing detecting unit detects that both the target character and an object for attracting attention of the target character are in a predetermined range to be captured in an image' [col 19, line 3-10] .

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38. As to claim 38, 72, Moezzi disclosed 'camera system transmits the image data to said image database substantially at predetermined time intervals' [col 39, line 1-13].

39. As to Claim 39,41,73, 75, Moezzi teaches a system which including 'image database substantially at predetermined time intervals' [col 33, line 7-16].

40. As to claim 40,74, Moezzi disclosed 'camera system transmits the image data to said image database when a predetermined number of images are stored in the camera system' [col 24, line 48-53].

41. As to Claim 42, 77, Moezzi disclosed 'the system is structured and arranged in an amusement part' [col 17, line 46-50].

42. As to Claim 60,64, Moezzi disclosed 'when a person is caught in a plurality of images, and when said step of identifying the target character identifies a person as the target character in one of the plurality of images, said step of identifying also identifies the person in the other of the plurality of images as the target character [see fig 1a-1c, fig 3]

43. As to Claim 79, Moezzi disclosed 'a character information database for storing said character information of the target character obtained in said character information obtaining unit' [col 11, line 9-14], 'image collecting unit said character information from

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said character information database for identifying the target character' [col 11, line 14-20]

44. As to claim 80, Moezzi disclosed 'wherein a character ID is allocated to the target character when said character information obtains said character information from the target character.

45. As to Claim 81, Moezzi disclosed 'character information obtaining unit obtains said character information of the target character from the first image after said camera system captures said plurality of images including said second image' [col 11, line 58-62], Moezzi teaches multiple two –dimensional video images of the scene information of the target, further Moezzi also teaches user has the ability to choose images for example user specific criteria from the viewer interface as detailed in col 11, line 61-62 'image distributing system further comprising, an image screen unit for checking if the target character is caught in said plurality of images captured in said camera system for storing said second image' [col 11, line 65-67, col 12, line 1-3].

46. As to Claim 82-83, Moezzi disclosed 'registering character information for the target character is performed after said capturing the plurality of images is performed' [col 12, line 9-17].

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47. As to Claim 84, Moezzi disclosed 'detecting a characteristic sound to capture an image with the target character and capturing the image with the target character when the characteristic sound is detected' [see Abstract, col 12, line 27-31, col 20, line 5-6], Moezzi specifically teaches digital, video camera system, has the capability for recording, and playing both audio and video signals, therefore, Moezzi has the ability to capture not only image [see fig 1a-1c, fig 3], but related sound along with the image [col 20, line 5-6].

48. As to Claims 85-86, Moezzi disclosed 'target character is a person shown in the image' fig 1a-1c, fig 3, fig 7].

49. As to claim 87-89, Moezzi teach 'camera system captures said plurality of said images' [fig 4], Moezzi especially disclosed multiple video camera s to capture images and /or moving objects from various angels, and frames as detailed in fig 4.

50. As to claim 90-92, Moezzi disclosed 'character information represents a characteristic of the target character' [col 20, line 13-17, fig 1a-1c, fig 3, fig 7].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

51. Claims 10,18-19, 29-35,58-59, 70, 76, rejected under 35 U.S.C. 103(a) as being unpatentable over Moezzi et al. [Moezzi], US Patent No. 5850352 published on December 15, 1998 as applied to claims 1,43 above, and further in view of Narayen et al., [hereafter Narayen], US Patent No. 6035323 filed on October 24, 1997

52. As to Claim 10, 76, the limitation of this claim has been noted in the above rejection of Claim 7. In addition, Moezzi disclosed 'outputting unit includes at least one distributing the collected images [fig 17], further Moezzi also suggests storage server and remote transmission [col 46, line 52-54]. It is however, noted that Moezzi does not specifically teach "CD-R recorder, an MD recorder, a web server for distributing the collected images via the Internet, means for sending E-mail'. On the other hand, Narayen disclosed "CD-R recorder, an MD recorder[col 8, line 12-14], a web server for distributing the collected images via the Internet [fig 2, element 109], means for sending E-mail'[col 4, line 39-41].

It would have been obvious to one of the ordinary skill in the art at the time of Applicant's invention to incorporate the teachings of Narayen et al. into video hypermosaicing to generate from multiple video views of a scene of Moezzi et al. because both are directed to image collection, and processing [see Moezzi: fig 1a-1c, fig 17; Narayen: fig 2, fig 4, col 6, line 28-34].

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Narayen into video hypermosaicing to generate from multiple video views of a scene of Moezzi because that would have allowed users of Moezzi to distribute or publish images from the digital camera or other digital acquisition devices such as detailed in fig 2, over a network including internet as suggested by Narayen [fig 2, col 2, line 28-31], bringing the advantages of publish this media container with its digital media onto the Internet [col 7, line 28-32], thus improving the quality and reliability of the system.

53. As to claim 18-19, 58-59, Narayen disclosed 'camera system includes at least one camera that is movable and said mobile camera has a wireless transmitter' [col 5, line 13-15, line 36-40, fig 2-3].

54. As to claim 29, 70, Narayen disclosed 'prompting a person in a predetermined area to carry a transmitter for transmitting radio waves' [col 5, line 36-40]; 'wherein said timing detecting unit includes a receiver for receiving the radio waves, and said timing detecting unit determines a distance between said transmitter [col 5, line 56-64] and said

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receiver based on the radio waves transmitted from said transmitter, and detects said timing for capturing an image when the distance is determined to be a predetermined distance' [col 6, line 31-36]..

55. As to claim 30, Narayen disclosed 'transmitter includes one of the ID card and cellular phone' [col 5, line 6-15].

56. As to claim 31, 35, Narayen disclosed 'radio waves transmitted and received between said transmitter and said receiver include the character information' [col 5, line 13-14]

57. As to claim 32, Moezzi disclosed 'image collecting unit identifies the target character substantially at the time when an image is captured by said camera system'[fig 1a-1c, col 24, line 44-48].

58. As to claim 33, Moezzi disclosed 'prompting a person prompts a person who refuses to be imaged to carry a transmitter' [col 16, line 45-53].

59. As to claim 34, Moezzi disclosed image collecting unit identifies the target character' [col 17, line 46-50], 'at least one person in said image is identified as the target character' [col 17, line 50-53]. 'target character as a person who refuses to be imaged substantially at the time an image is captured by same camera system, target

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character who refuses to be imaged, said image collecting unit does not collect images with the target character who refuses to be imaged' [col 16, line 45-53].

Response to Arguments

Applicant's arguments [pages 26-27] filed on 4/3/2006 with respect to Claims 1-2,4-45,47-92 have been fully considered but they are not persuasive in view of the new ground[s] of rejection as detailed above.

Conclusion

The prior art made of record

- a. US Patent No. 5850352
- b. US Patent No. 6035323


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC

Patent Examiner.

April 24, 2006.


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER